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**BRIEF NOTES**  
**ON**  
**THE RELATION**  
**OF**  
**THE SYNOD OF CANADA**  
**TO**  
**THE CHURCH OF SCOTLAND,**

(BEING THE BASIS OF AN EXPOSITION OF THIS SUBJECT  
TO THE PRESBYTERIAN CONGREGATION OF NIAGARA,  
ON WEDNESDAY EVENING, MARCH 6TH, 1844.)

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## PREFATORY REMARK.

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THE Author, who has some confidence in the correctness of the views set forth in these BRIEF NOTES, has been induced to publish them, in the hope that the Unity of the Synod of the Presbyterian Church of Canada may be preserved entire, on the ground of its own INDEPENDENCE. Whatever may be the judgment formed on the causes that have given rise to the DISRUPTION in the Parent Church, and on the conduct of parties previous to, and since, that event, it cannot be of a nature to warrant the separation of any one from the Canadian Church, which still holds to its original constitution. No difference of opinion respecting difficult and complicated proceedings, which have occurred on a scene so distant, and of which few among us have very full and perfect information, should be allowed to interrupt that harmony which has hitherto prevailed among us, and which is so essential to the spiritual edification of our people. Although decidedly inclined to Free Church principles, as the genuine *type* of Presbyterianism, he desiderates no sort of alliance between the Synod of Canada and the Free Church, beyond that of FRATERNITY; and though he cannot but condemn that course which the Moderates in the Assembly have, as he thinks, in utter infatuation, pursued, yet he is not of opinion that the Synod of Canada, as an independent judicature, is called to take any farther step in reference to the Establishment, unless it be that of RENEWED PROTESTATION AND RESPECTFUL REMONSTRANCE.—“*For my brethren and companions sakes, I will now say, Peace be within thee. Because of the House of the Lord our God, I will seek thy good.*”

ROBERT MACGILL.

Niagara, Canada West,  
12th March, 1841.

**THE RELATION**  
**OF**  
**THE SYNOD OF CANADA**  
**TO**  
**THE CHURCH OF SCOTLAND.**

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The extraordinary events which have recently occurred in Scotland, by which the National Church—esteemed one of the **BEST** and **SECUREST** in Christendom—has been rent into two great rival sections, have awakened an earnest desire in many to be informed of the precise nature of that **CONNEXION** which subsists between the Synod of Canada and the Church of Scotland, and how **WE** may be affected by the **DISRUPTION**. The question appears to us a very simple one. The following outline of our own views will readily suggest the course of a fuller investigation to those who may be disposed to enter upon it.

**I. WHAT IS THE CHURCH OF SCOTLAND WITH WHICH WE  
CLAIM AFFINITY.**

The Church of Scotland may be regarded, *first*, as a Church of Christ ; and *secondly*, as an establishment. As the former, her character is found in her acknowledged standards of doctrine and discipline ; as the latter, it is defined in the statute of her Incorporation. As the former, she continues to exercise all her prerogatives, like any other unestablished Christian Church—such as the ordaining and the sending forth of Missionaries, the extending herself into other lands, and the co-operating with other Christian Churches for the advancement of true religion in the

world. But in her established character she has engaged to perform specific duties *within* the Kingdom of Scotland, to which specific privileges and restrictions are annexed by the State. Of these may be named the religious superintendence of parishes as divided by law, and the right to the temporal provision connected therewith : but she cannot alter the boundaries of parishes, nor in any way augment or alienate the tiends, nor confer the name or privileges of ministers of the Church of Scotland on any who are not really ministers of the establishment. In this character she is only an ecclesiastical corporation established by parliament, existing under a civil statute, enjoying certain rights and privileges in order to the performance of certain specified duties, and it is not competent for her to deviate in any instance from its provisions.

When any of her ministers or people go *beyond* the Kingdom of Scotland, to which, as an establishment, the national Church is limited, their connexion with it ceases ; her superintendence and jurisdiction cannot follow them. Yet as a Church of Christ she is bound to follow them and to provide for their spiritual wants to the utmost of her ability ; to send with them, or after them, ordained ministers ; to sustain them by pecuniary aid, to afford them her counsel ; and although she cannot admit them into formal connexion with herself as an establishment, she can recognize them as her expatriated children, as her true lineal descendants, as one with her by "adhering to the same standards of doctrine, and maintaining the same form of worship and government ;" and she may testify to the world her maternal solicitude, and declare to all who in any way lend them a helping hand, "inasmuch as ye have done it unto one of the least of these, ye have done it unto me."

On this ground of a recognized filial relationship, the British Government has of late lent its countenance and aid to some of our Colonial Churches. Although known to it that the Church of Scotland could not extend itself as an establishment to the Colonies, yet it has been disposed, on the ground, no doubt, of the Treaty of Union, as well as the high estimation in which the Church of Scotland has been held, to acknowledge such congregations in the

Colonies, just as if they had a real and formal connexion with the parent church, and in curt though inaccurate language, they have been styled, "The Church of Scotland in the Colonies." Thus, in the Bill for the settlement of the Clergy Reserves, we find one-third of the half granted to the Church of Scotland, not to the *established* Church of Scotland, but to the Synod of the Presbyterian Church of Canada, held to be her representative, and entitled to whatever advantages may flow from that connexion.

It is of importance, therefore, to distinguish the ground on which the State and the General Assembly have agreed to recognize the Synod of Canada, as the representative of the Church of Scotland. Clearly it was not because there was any real ecclesiastical connexion, involving jurisdiction on the one part and submission on the other ; but because the Synod at its original formation consisted of ministers from the Church of Scotland ; and because these ministers by their ordination vows, and their Synodal constitution, were bound to adhere to the standards and government of the parent church.

It was, moreover, perfectly clear to all parties that the ecclesiastical independence of the Synod, which was fully understood and admitted at its original formation, would more and more display itself, as our body increased. The ministers at first composing it were all from Scotland, but no one imagined that this would continue to be the case in all future time. The spiritual destitution of this country required that the Synod should admit qualified ministers, whatever might be their country ; and that the most strenuous exertions should be made to educate young men for the ministry. By such measures the original character of the Synod would soon be changed ; it would cease to be Scottish, it would become Canadian ; and within a generation or two, national peculiarities and predilections would become extinct. Not that the Synod will lose its *original essential character*. It will, as may be fondly hoped, continue to be such a Church of Christ in Canada, as the Church of Scotland is in Scotland, adhering steadfastly to the same standards, and diffusing the same spiritual blessings among the people ; ever bearing distinct marks, and cherishing a grateful recollection, of its Scottish origin.

If it be true, therefore, that we are connected with the Church of Scotland, rather in her character of a Church of Christ, than in that of an establishment, it is of moment to discriminate what is peculiar to her in each of these characters, that we may maintain that which is universal and permanent, and reject that which is non-essential and local. Her universal and permanent characteristics, are to be found in her **CONFESSION AND CATECHISMS**; in her **BOOKS OF DISCIPLINE**, in her **DIRECTORY AND FORM OF CHURCH GOVERNMENT**. The accidental and the local peculiarities, which are not adapted to our circumstances, are the legal conditions by which she holds of the state as an established church, and by which her natural freedom as a Christian church is restricted. It is out of these latter peculiarities that all her recent troubles have arisen. But as they are connected with that part of her constitution which we cannot copy, not being like her established, we are not required to take part in the controversies arising out of them. We shall be better employed in offering up fervent prayer to God that the Church of our Fathers may be delivered from all evil, and be perpetuated in purity from age to age, a source of spiritual life to our native land.

The Church of Scotland, then, viewed as a Church of Christ, and part of His spiritual kingdom, is constituted in obedience to His supreme authority, under those office-bearers which he has appointed, and for the edification of its members in things divine and spiritual. As such it cannot derive any authority from kings and Parliaments; it cannot without dishonor to Christ's supremacy admit their interference either to add or to alter a pin in that spiritual tabernacle which God hath erected and not man. The Church of Scotland has uniformly held these principles, and declared it contrary to the allegiance which she owed to her divine Master to sanction any usurpation of authority in this spiritual kingdom by the secular power. Thus, in her *Confession* ch. XXX:—"The Lord Jesus as King and Head of His church hath therein appointed a government in the hand of church officers, distinct from the civil magistrate;" and in the *Second Book of Discipline*: "This power ecclesiastical floweth immediately from God,

and the mediator Jesus Christ, and is spiritual, not having a temporal head on the earth, but only Christ, the only spiritual King and Governor of his Kirk”

In the civil establishment of religion in Scotland these fundamental principles were distinctly recognized by the State. Previous to 1567, when her constitution, framed by her own spiritual office-bearers, was presented to Parliament as that which she held and approved, she had been exercising fully and entirely all her functions as a church of Christ, without any connexion with or support from the state. The reformers of that time, at the head of whom was Knox, were not men who would have surrendered this principle for any temporal provision, or to please any King or Parliament. The principles of the reformation had pervaded the land, and the state was very well pleased to leave to the church herself the modelling of her spiritual constitution, and to ratify it by law when presented to it. The Church of Scotland therefore is not the creature of an act of Parliament. The civil legislature only ratified the union between Church and State, on terms that had been agreed upon by the church, and of which her own spiritual independence was the basis.

The Act 1592, “commonly called the GREAT CHARTER OF THE CHURCH OF SCOTLAND,” while it confirms the preceding statutes passed in favor of the church, unhappily bound the yoke of patronage upon the church and people. It should be remembered that this act was passed in an age in which very extravagant ideas were entertained of the royal prerogative, which was stretched to the extreme limits of arbitrariness in matters both ecclesiastical and civil. The success of the Sovereigns in the sister kingdom of England, also, doubtless inspired James VI with the hope of obtaining, what he very much desired, a supremacy in all the ecclesiastical affairs of Scotland.\*

A nearer approximation to that perfect spiritual independence asserted in her standards was attained by an act of the Scottish Parliament in 1649, by which patronage was abolished, “*as being unlawful and unwarrantable by*

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\* See Andrew Melville’s Speech to the King in Hetherington’s History of the Church of Scotland.

*the word of God, and contrary to the doctrines and liberties of this church.*" And because the rule for the appointment of ministers was clearly within the spiritual jurisdiction, the Parliament remitted it to the church in the following terms: "And because it is needful that the just and proper interest of congregations and Presbyteries, in providing of kirks with ministers, be clearly determined by the General Assembly, and what is to be accounted a congregation having that interest; therefore, it is hereby seriously recommended unto the next General Assembly, clearly to determine the same, and to condescend upon a certain standing way for being a settled rule therein in all time coming."

Without adverting to the intermediate period in which the conduct of the state towards the church underwent various changes, we come to the act 1690 for abolishing Prelacy (which the infatuated Stewarts perseveringly laboured to force upon the Scottish nation,) and for establishing Presbyterian Church Government. In the same year an act was passed, abolishing patronage, and declaring that "in case of the vacancy of any parish, the heritors of the said parish, being protestants, and the elders, are to name and propose the persons to the whole congregation, to be either approved or disapproved by them"—their reasons to be stated, if they disapproved, and to be judged of by the Presbytery. These two acts constitute the REVOLUTION SETTLEMENT OF THE CHURCH OF SCOTLAND, ratified and confirmed by the Treaty of Union between Scotland and England in 1707, and statuted to "*remain and continue unalterable.*"

It is evident from the second and fourth questions in the formula of Ordination, that *the Church herself still holds to the Revolution settlement as the true legal form of her establishment.* The second question refers to doctrine and worship, and is as follows:—"Do you sincerely own and believe the whole doctrine contained in the confession of Faith, approved by the General Assemblies of this church, and ratified by law in the year 1690, to be founded upon the word of God; and do you acknowledge the same as the confession of your faith; and will you firmly and constantly adhere thereto, and to the utmost of your power

assert, maintain and defend the same, and the purity of worship as presently practised in this national church, and asserted in act 15, Assembly 1707, entitled, ‘act against innovation in the worship of God?’” The fourth question of the formula refers to government and discipline, and is as follows:—“Are you persuaded that the Presbyterian government and discipline of this church are founded upon the word of God, and agreeable thereto, and do you promise to submit to the said government and discipline, and to concur with the same, and never to endeavour, directly or indirectly, the prejudice or subversion thereof, but to the utmost of your power, in your station, to maintain, support, and defend the said discipline and Presbyterian government by Kirk-sessions, Presbyteries, Provincial Synods, and General Assemblies, during all the days of your life?” This formula of ordination was framed and adopted by act of Assembly 1711, and is conformable to the revolution settlement in 1690, as ratified in 1707 by the Treaty of Union. The Synod of Canada uses *the same formula in ordination*. It is, therefore, common to both, and expresses the views of both as to the fundamental principles of the church.

The Church of Scotland, however, is not now in the precise state which her ordination formula contemplates, and as established at the Revolution and by the Treaty of Union. Not more than five years had elapsed (1712) when this fundamental and “unalterable” condition of the Treaty was violated by the machinations of an infidel minister,\* and the perfidy of a subservient parliament, and patronage which had been formerly declared, “*unlawful and unwarrantable by the word of God, and contrary to the doctrines and liberties of this church*,” was revived, in despite of the protestations of the General Assembly and the voice of the Scottish nation. The Assembly continued her protestations annually, until 1784, against this act, as a violation of national faith and an infringement of the inalienable rights of a christian people. From that year until 1834, in consequence of the ascendancy of MODERATISM, the Assembly ceased formally to protest against pat-

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\* See Appendix, Note A.

ronage, and to seek redress for the wrong that had been inflicted on the Church, but a faithful band within her, still continued to "sigh and cry," because of the abomination.

With the view of abating the evils of patronage, the General Assembly in 1834 passed the VETO-LAW, which gave a negative voice to the people in the election of their minister, and secured the great principle, "*that no minister should be intruded into a congregation contrary to the voice of the major part of the communicants.*" Various circumstances led to the adopting of this measure at that particular conjuncture. *Within* the church, vital religion had been greatly revived, and church accommodation to a larger extent was required than what the law provided for; *without* the church, the passage of the reform Bill, a few years previously, had given a larger expansion to the spirit of liberty. In short the condition of society in Scotland had undergone a total revolution. Had it been the same in 1834, as in 1712, when the great body of the landholders and patrons were Presbyterians, and the great body of the people in a condition approaching to serfdom, a modified form of patronage might not only have been endurable, but, in some respects, beneficial. Under a monarchical government and an ancient aristocracy, and a lengthened gradation of rank and property, it is hardly conceivable that the right of electing ministers, whose incomes were mostly drawn from the landlord, should be committed to the cottars and hinds, which it virtually would have been had the right of vote been limited to actual communicants. No analogous instance could be found in the then existing frame-work of Scottish society. The elective franchise in the state was limited to a very small number of persons. The law of patronage, therefore, made the ecclesiastical franchise analogous, that is, it placed it in the hands of the Crown, and the great landed proprietors. But the condition of society in Scotland in 1834 was vastly different. The elective franchise had been extended to all classes of the people; the spirit of liberty which grows with intelligence and reviving religion had gained strength; the genius of Presbyterianism, always tending to the assertion of popular rights, had acquired greater energy. In these circumstances, it was not to be imagined that

patronage would stand unassailed. But there were other causes. The aristocracy of Scotland is not what it once was. It is no longer Presbyterian ; it is now Anglicised in its character and religion. Most of the aristocracy are not only resident in England ; they have become English by their engrafting upon English stocks. Scotland is not now *their* country ; it is only a *province* of England, where their estates lie, and in which the religious peculiarities of the people are *indulged according to ancient custom*. Such an aristocracy can have no very strong hold upon the *affections* of the people, and the exercise of their rights as patrons will always be looked upon with suspicion, and is very likely to be exercised without much deference to the popular wish or well-being.

The full time, therefore, had come, for the modification of the law of patronage. The church had every disposition *to deal gently with it*, doubtless out of regard to the large number who held that modified patronage was not an evil, and also from the great improbability of their obtaining the concurrence of the state, if they should trench at all on what are held to be the civil rights of patrons. With the difficulties of her position full in view, and with the advice of the highest legal authorities in the state, and in conformity with what she held to be her inherent and constitutional rights, she enacted the VERO LAW. The civil courts decided that this was an infringement of the patrimonial rights of the patrons ; the church maintained her ground ; frequent collisions ensued between the civil and ecclesiastical courts ; the administration of the day, though frequently invoked, would bring no relief : the DISRUPTION followed, and has left the fabric of the establishment in ruins.

An important question arises : which of the two sections, now familiarly known as the RESIDUARY, and the FREE CHURCH, is truly *the Church of Scotland*, as defined at the revolution settlement. Those who maintain that the Church of Scotland is always *that* which is *presently* acknowledged by the state, will find it within the walls of the establishment. On the other hand, those who look for a church, possessing all the characteristics of *that established at the revolution*, possessed of undoubted spiritual independence,

and free from the yoke of patronage, will find it in the Free Church. Many are of the opinion that the time will speedily come, when even the state will acknowledge and redress those wrongs which have enforced her separation.

It is not, however, the object of this inquiry to show which of the two parties have the better claim to be regarded as the Church of Scotland on the ground of constitutional law, and the maintainance of those conditions on which the establishment was based at the revolution, and confirmed by the Treaty of Union. The state, of course, decides in favor of the "RESIDUARY," and whatever quarrel may be with the state for this decision, and for the mournful causes which have rendered such a discrimination necessary, the Residuary must be held by us as the Church of Scotland, established by law; as that church with which we stand in a filial relation; a relation which, slight as it is, it would be inexpedient and undutiful to seek to dissolve, on any other ground, than an open and manifest departure from the fundamentals of those common standards by which the Church of Scotland and the Synod of Canada are equally bound as affiliated churches of the Lord Jesus Christ. \*

But this can never be a barrier to the Synod's entrance into fraternal correspondence with the Free Church of Scotland, with which we have so many personal ties, and to the ministers of which our Church in Canada is under so many obligations,—to say nothing of the yet undetermined question, which multitudes, however, have already determined in their own minds, that SHE, the uncompromising though disinherited advocate of the principles of the revolution settlement, is the true Church of Scotland, according to that treaty, to which a nation's faith was solemnly pledged, that it should "remain and continue unalterable."

## II. WHAT IS THE TRUE RELATION WHICH THE PRESBYTERIAN CHURCH OF CANADA HOLDS IN RESPECT OF THE CHURCH OF SCOTLAND.

Previous to 1831, several congregations, professing ad-

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\* See Appendix, Note B.

herence to the Church of Scotland, had been formed in Canada, but no bond of unity subsisted among them; they had no ecclesiastical judicatures save the Session in each congregation, nor had they ever been recognized in any form by the parent church, though the ministers had been ordained by Presbyteries in Scotland, and their members generally had been adherents of the national Church.

In that year, a CONVENTION of ministers and elders met at Kingston and formed themselves into a Synod and four Presbyteries, assuming the title of THE PRESBYTERIAN CHURCH OF CANADA, IN CONNEXION WITH THE CHURCH OF SCOTLAND,—“*leaving it to the Venerable, the General Assembly, to determine the particular nature of that connexion which shall subsist between this Synod and the General Assembly of the Church of Scotland.*”

What our designation should be, gave rise to very lengthened and warm discussion. Some wished the Synod to be wholly independent of the parent Church, and proposed that the title should be, “THE SYNOD OF THE PRESBYTERIAN CHURCH OF CANADA.” Some wished that we should be incorporated with the parent Church, like the Presbytery of Calcutta, and *the reserving clause* was inserted in our minute with the hope on their part that representation in, and incorporation with, the General Assembly, would be conceded.\* Others sustained the reserving clause in the hope that some relation of FRATERNITY might be established between the parent Church and the colonial, from which the latter might derive assistance in the procuring of ministers, and the means of supporting them. A fourth party consented to *the vague conditionality* annexed to our assumed title, because it was agreeable to the parties holding the preceding views, and the insertion of it secured unanimity at a time when it was exceedingly desirable; but foreseeing, nevertheless, that the parent Church *could not and would not* admit any colonial church into incorporation with her, and to representation in her Assembly, and asserting that our *self-assumed connexion* with her could not be any thing but *nominal*.

Time has confirmed the correctness of the opinions of the first and last of these parties. It is now admitted on all

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\* See Appendix, Note C.

hands that our connexion with the Church of Scotland is but *nominal*, and that the ecclesiastical independence of the Synod of Canada is a matter not to be gained.

It may be established on the following grounds :

1. That the ministers and commissioners of congregations, who met in CONVENTION, in order to constitute the Synod, though all when in Scotland connected with the Established Church, yet were in Canada, both in fact and law, beyond its jurisdiction, at the period that this step was taken.

2. That the Synod was a self-constituted body, which did not derive its powers from the General Assembly, but these resulted from that inherent and constitutional right, which belongs to all Presbyterian ministers and congregations placed in similar circumstances.\*

3. That this inherent and independent right is plainly implied in the terms used in the first clause of the *Declaratory Enactment* which reached this country in July, 1833.†

4. That this Declaratory Enactment does not define, and the General Assembly never has attempted to define, what the Synod left to its determination, the nature of our connexion with it ; because, strictly speaking, no *presbyterial connexion* did or could subsist : RECOGNITION on the part of the Assembly, on the ground of certain conditions prescribed to the colonial churches, would be the more appropriate term.

5. That although the determination of this question was left in indefinite terms to the General Assembly, that venerable body could not have placed the Synod of Canada in any relation implying dependence and jurisdiction, without granting to it *incorporation* and *representation*—privileges that could not have been conferred upon any colonial church consistently with its own Charter of Incorporation.

6. It is quite clear, moreover, from the correspondence held with leading members of the General Assembly, that such a connexion was never contemplated by them. ‡

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\* See Appendix, Note D.

† See Appendix, Note E.

‡ See Letters in Appendix, Note C, and several of the same tenor were received from other leading ministers of the Church.

7. All the provisions of the Declaratory Enactment are conformable to these views of the perfect independence of the Synod. It declares what is *proper* and *expedient*; *recommends*, but does not *enjoin*; never speaks of connexion or jurisdiction; evidently anticipates a time when even its *recommendations* shall be inapplicable to our circumstances: and appoints a committee for giving *advice* and assistance, if we *shall choose* to ask them. Here is a *fraternal relation*, but manifestly no *presbyterial connexion*.

8. The framers of this Enactment knew far better our true position in regard to the Church of Scotland, than we did ourselves; and it is not to be doubted that, had this document reached the Synod in 1831, instead of 1833, it would have substituted for the *self-assumed and unauthorized clause* "IN CONNEXION WITH THE CHURCH OF SCOTLAND," which forms part of its present title, the far more appropriate description, which the General Assembly itself has used, "*adhering to the standards of the Church of Scotland, and maintaining her form of worship and government.*"

9. This latter clause clearly describes our true character and position. There are some points connected with the Established Church of Scotland, as it now exists, which many of our ministers and people, both at home and in the colonies, utterly renounce and condemn—most of them growing out of the grievance of patronage. In short, when we speak *strictly and technically* of the Church of Scotland, we understand it in the sense in which it is used in the ordination formula, and particularly in the second question of it. [See page 9.]

10. Ever since the formation of the Synod, it has acted as an independent judicature; nor have its *actings* ever been called in question by the General Assembly, though, in at least *five* remarkable instances, the Synod had gone in advance of that position which the Declaratory Enactment had *recommended* it to assume:—1, the admission of Presbyterian ministers from other bodies; 2, the licensing of probationers; 3, the education of young men for the ministry; 4, the appointing of new regulations for the course of theological study; 5, the entrance into correspondence with other Presbyterian churches;—acts as

unequivocally proving the exercise of ecclesiastical independence as any that could be named.

11. As the General Assembly could not constitutionally have claimed jurisdiction over the Synod, without incorporation and representation, so neither could the Synod have yielded to it, without a dangerous and unwarranted surrender of its own and the people's spiritual rights and liberties.

III. WHETHER THE TEMPORAL ADVANTAGES WHICH THE SYNOD HAS OBTAINED FROM THE GOVERNMENT, OR ANY OTHER PARTY, UNDER ITS PRESENT DESIGNATION, MAY BE PUT IN PERIL BY ANY MEASURES LIKELY TO BE ADOPTED.

These consist of small parcels of land, bestowed upon a few congregations; of small sums of money granted in certain cases to aid in building churches; of an annual allowance to certain ministers; and of the right to a certain portion of the proceeds of the Clergy Reserves

The continued possession of these advantages will depend upon the fulfilment of the conditions on which they were bestowed, of which the fundamental element is "*adhering to the standards of the Church of Scotland*;" a departure from these would imply a forfeiture of the advantages.

It ought to be remembered that these advantages were not claimed, and they were not obtained, *solely* on the ground of our connexion with the Church of Scotland, but on our rights as Scotchmen in a British colony, under the Treaty of Union. The claimant's, doubtless, asserted their *adherence* to the national church according as it might be understood conformably with that treaty, and with the laws and constitution of the church *as then established*.

No *capricious* and *arbitrary* denial of RECOGNITION, or declaration of non-relationship with a colonial church, if such were possible, on the part of the General Assembly, can abrogate the rights of the subjects of the kingdom of Scotland, as guaranteed by the Treaty of Union. These remain as established in 1707, whatever revolutions the church may undergo, or whatever may be the character of its proceedings.

To suppose an extreme case. Were the Synod to resolve that the existing establishment of Scotland, on account of her practical defection from her standards, or on account of the new interpretation of the laws affecting her, and the new legislation of the British Parliament in her affairs *without her consent*, is *not* the church establishment of the Revolution settlement, as recognized in the formula of ordination, and that on account of fundamental changes it could not acknowledge her to be the *true* Church of Scotland; a declaration to this effect, whether made in error, or on true grounds, could not affect *the essential* character of the Synod of Canada, or endanger any of her temporal interests, so long as she herself unequivocally maintained her original position, and faithfully adhered to the common standards. If this opinion on a case so extreme be correct, no steps are likely to be taken which will endanger the temporalities of the Canadian church.

IV. WHAT THE GENERAL ASSEMBLY AND THE SYNOD OF CANADA MIGHT BE AT LIBERTY TO DO, (OCCUPYING EACH AN INDEPENDENT POSITION, THOUGH STANDING TO EACH OTHER IN A CLOSE FRATERNAL RELATIONSHIP,) IN CERTAIN SUPPOSED EMERGENCIES.

1. If the proceedings of the Synod were manifestly at variance with the standards of the Church of Scotland, it would be competent for the Assembly to declare that her relationship to the Synod was annulled. Such a declaration, supposing that the grounds were valid, would through the intervention of the civil courts here have the effect of depriving the church of all the advantages that she possessed in virtue of that relationship. But apart from any such declaration by the General Assembly, the same deprivation would follow, were an action instituted by any competent parties in the proper civil court for malversation of trust. The property and privileges of the church are held on certain conditions, and to apply them *alienarily* might be the ground of a civil action.

2. On the other hand, if the General Assembly should fall into heresy, or depart from the standards of the church to which it is bound by its constitution, as well as the

Synod, it would be equally competent for the latter to declare its connexion with such an Assembly dissolved, and yet hold all the advantages originally received in virtue of that connexion, because it consists not in the intercourse of persons, but in an adherence to the common faith.

3. But differences of a less important kind may arise, which, though not sufficient to warrant a declaration of non-intercourse, might yet place the parties in an attitude of *opposition*. The causes of her present *disruption* may be held by some to be of this kind. The Church of Scotland still professes to adhere to her standards; yet, as is alleged, the "Residuary" has connived at the encroachment of the civil courts upon the fundamental liberties of the church. If this were proved to the satisfaction of the Synod, and so resolved, it would not be inconsistent with mutual relations, for the Synod to send a letter of protestation and respectful remonstrance to the General Assembly.

#### V. ONE OR TWO MISCONCEPTIONS RECTIFIED.

1. "*I am resolved to remain no longer a minister of the Church of Scotland,*" exclaims a poor Canadian minister, with the interdicts of the Court of Session in his eye, and the warm zeal of Free-Churchism in his heart. Patience, Brother, take heed; you need put yourself to no trouble on this account;—*you never were a minister of the Church of Scotland*—at best you are only *from* it. Some one of her Presbyteries conferred upon you the "*ministerium vagum,*" and sent you away "*free:*" that is all you have derived from her, and all the connexion you have with her. You are not surely inclined to renounce the ministerial character with which she invested you, and which she will never take away from you without some graver offence than any with which you are chargeable. It will be time enough to consider the question of a change in your ecclesiastical connexion, when you return to your native country. In Canada, you never were in bondage; the interdicts of the Court of Session don't extend so far. Jealous as you are of spiritual independence, be thankful for the possession of it. Pity those that have it not up to the measure of your wishes; and if Providence has blessed you with the means,

help those who are contending for so great a good, in the midst of many sacrifices, and in the face of the great and powerful of the world who would crush them.

2. "*I hold to the Establishment,*" exclaims another, "*the old mother Church of Scotland.*" Very well, brother, you use your liberty. No one can compel you to believe that SHE is not the true old mother who is at present sitting within the deserted walls, notwithstanding all that the deserters have asserted in their "**CLAIM OF RIGHTS,**" and in their deed of "**DEMISSION AND SEPARATION.**"—But at all events, you do not mean that you will hold to the church establishment as if you were really a part of it, *seeing you are no part of it at all*, by its own declaration. You cannot mean this. Nor do you mean that you entirely approve of the whole course which those who now constitute the establishment have pursued in recent controversies? "No, sir, but I mean by my adherence an approval of mother church, *as the best establishment in the world!*" Very well; you are entitled to hold that opinion, and I rather think the fieryest Free-Church man will agree with you in it, notwithstanding the abominations by which in his judgment the national church has been defiled. But there are some things, brother, connected with the present establishment, that you surely do not fully approve: as for instance, unlimited patronage,—the late undeniable intrusions of the Court of Session into the spiritual domain,—the restraints laid upon church-extension by the degradation of the *quoad sacra* ministers? "No, sir, I don't approve of these things; I wish a remedy to be provided for them." Very well. Who can deny your right to hold these opinions with such limitations; and why should not you and your brother on the other side, who are adhering substantially to the same object, as defined in the ordination formula, not continue to dwell in unity and love, on the free, and scriptural, and truly Church-of-Scotland ground, which the Synod of Canada occupies?

3. And "*What shall we do?*" exclaim a group of sturdy backwoodsmen, crowding around their minister as he comes out of his log church, after having faithfully expounded to them the doctrine of spiritual independence—"What shall we do? Shall we hold by the '*Old Residuary,*' or go with

*the 'Free Church?'* " "Oh, Donald, Donald," says the minister mildly to the chief speaker, "what clatter is this you are continually making about 'the Strathbogie ministers,' and 'the Marnoch case,' and the 'interdicts,' and the 'disruption,' and 'the Free Church,' and 'the Residuary,' and 'shall we STAY IN?' or 'will we GO OUT?' How, Donald, can ye either *stay in*, or *go out*, when you are not IN at all? and you have not been IN the Church of Scotland since you left the quay of Greenock And have you not been an elder of the Free Church in the Scotch Block of ——— ever since you came to Canada, and long before the Free Church of Scotland was dreamed of by those who now talk most loudly about it? You at least are not afraid of patronage and Cæsar, in these backwoods. If you should ever return to Sutherland, it will then be your duty to consider whether you ought to hold to the Establishment, or join the Free Church, but you need not perplex yourself or your neighbors about the question here; only, Donald, if you can spare it, and if you please you may even stretch a point to spare it, you may send the price of the young heifer you sold on Friday, to help your old fellow parishioners in Sutherland, whom the factor wishes to compel to worship God in a way that may please the Duke, though they know, perhaps fully as well as his Grace, how God is to be worshipped. We cannot stand, my good friend, any violation of the rights of conscience—we must help them. The price of your heifer, and of two or three bushels of wheat from each of your neighbors in the Block, will be a stone in their kirk. '*Less din, Donald, and mair woo.*' "

## V. CONCLUDING REMARKS.

By a careful comparison of notes on this subject among those who fully understand it—by keeping in view the essential merits of the case—by rejecting inaccurate and undefined expressions which we have brought from our native land, and which are not appropriate to our circumstances in Canada—it will be admitted that we occupy an independent position as one of the Christian churches in this colony; and that so long as we adhere faithfully to

our standards, we may correspond with any other church, and disapprove and remonstrate, as may be deemed right and dutiful, without putting any of our interests in peril.

It would indeed be a grievous and intolerable hindrance to Presbyterianism in this colony, were the church courts here to be held bound to approve or to follow all the proceedings of the Scottish Establishment, or to take any part in the troubles that arise within it in consequence of its connexion with the State. We are connected with it rather in its character of a Church of Christ, than in that of an Establishment. It existed in the former character long before it was connected with the State, and all its standards were formed prior to this connexion. It is in its non-established condition, therefore, that we find its true model; this alone we are under obligations to copy, and this only is adapted to our circumstances.

Give us, then, this model, free from those peculiarities which have grown up around it in consequence of its civil establishment;—give us this model of scriptural Presbyterianism, and it will in progress of time secure for itself an establishment in the understandings and in the affections of the people of this land;—purify it from all mere nationality, and let it be conformed in all things “to the pattern showed upon the Mount,” and within less than a century the Synod of Canada may comprehend under its pastoral superintendence a church more numerous than the national establishment of Scotland ever had under its wing.

Closely connected as the great body of the Presbyterian community in Canada are with Scotland, and dear as its church is to us, we are constrained to look with intense interest on the issue of the struggle going on there. It is not to be doubted that the ecclesiastical reformation will advance; that the establishment will either be “RE-MODELLED\* OR OVERTHROWN;” but be it the one or the other, the Church of the Scottish nation will never be consumed—she will rise fresh and renovated from amidst the fiery tribulations through which she is passing. There are many sound men and true yet within the establishment, although

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\* To remodel, would only be to restore the Church to its constitutional and legal privileges. See Appendix, Note A.

they had not the courage to be martyrs. The mighty talent of the Free Church will be plied unweariedly for her reformation ; and if the Church of Scotland shall survive as a national established church, its new treaty of connexion with the State will be more enlightened and scriptural than any that James VI., and modern statesmen of his school, have ever yet favoured. And is it too much to hope that when the grievances which have given rise to the various SECESSIONS are removed, the entire Presbyterianism of Scotland may be harmoniously united within the same fold ?

There are other denominations also, which, by some slight modification of their respective peculiarities, might be attracted within the circle of fraternal *co-operation*, if not of *incorporation*. There is a strong affinity between the Free Presbyterianism of Scotland, and the Congregationalism of England. What should prevent their union ? It would be of immense advantage to the cause of truth. Were such an union effected, the old Puritanism of England might yet lift its head ; another Westminster Assembly might be convened, and another national Covenant entered into under better auspices than the former. Then, again, Free Churchism and Methodism are practically within sight of each other ; the *five points*, calmly and moderately interpreted by the wisest of both parties, might not prove an insuperable barrier ; more akin in their practical operations, they will become more akin in their sentiments. A good understanding, and a frequent communion between these bodies, would have a powerful influence in advancing the reformation, and in promoting the unity of the Church Catholic. This hope makes one look upon them with a kinder eye and a warmer charity. The unity of the Church will be ratified on Bible and Missionary ground. Events prognosticate its approach.

May it not be that the Supreme Head of the Church, "who holds the stars in his right hand," has constrained those faithful men of the Free Church to get out from an establishment so coerced by the recent encroachments of the civil power that it could neither extend nor reform itself, not only that the work of reformation may be carried on more effectually in Scotland ; but that their example and

spirit may be diffused into other lands, where the Church is still in bondage to Cæsar, that they too may be stirred up to assert their spiritual independence, and come forth into that liberty wherewith Christ has made them free ?

The progress of the Protestant Reformation has been checked and marred by State control more than by any other cause. Worldly politicians taking the Church under their protection have formed and fashioned her for their own ends, heedless of *the great end* for which she is ordained of God, and of *the divine rule* by which she is to be governed. The complete purgation of the errors and corruptions of by-gone times will not be effected while these Uzzahs touch the ark ;—the work must be done by cleaner hands.

The experience of every branch of the Church, since the Monk of Saxony began his career, plainly testifies that without freedom and independence in all spiritual matters no Church can either reform itself from ancient corruptions, or long maintain itself in purity and usefulness. In Scotland, a strenuous effort is now being made to assert this spiritual independence as the inalienable right of the Church, and the patrimonial inheritance of every Scotchman. Who can turn away his eyes from the arena, or look with indifference upon the combatants ?

On this continent—in this colony—we fully enjoy all the advantages for which they are contending. But in the Church, as in the State, *independence* among an ungodly people will very certainly degenerate into *lawlessness*. This is the side on which *our* danger lies. The spirit of insubordination that spurns at the sceptre of Cæsar, will not meekly submit to the yoke of Christ. Let it be inscribed on every pillar of the Church,—let it be engraven on the soul of every worshipper within it, that the freedom with which Christ has made us free must be regulated by the laws of His kingdom—and we be to the people that infringe them. “*In the keeping of his commandments there is great reward,*”

## APPENDIX.

### A

The Kirk of Scotland was established by the good Regent Murray and the Parliament of Scotland, and wrested the charter of her liberties from the despot James VI. by moral energy, with the exception of patronage, which was still laid on her. Finally, at the Revolution settlement William re-enacted that charter, but *abolished patronage*. Thus the Kirk of Scotland was *established*, received her *endowments*, and the *protection* of law, from her native King and Parliament; and its constitution, as settled at the Revolution, received the sanction of the Scottish State, and became part of the constitution of this country.

Then came the Union; the ministers and people were afraid that this would open up the Kirk to innovations from the feelings of Englishmen in favour of prelacy, which they themselves abhorred, and hence arose the violent opposition to the Union: most of all did they feel uneasy at the prospect of the temporal affairs of the Kirk being managed by those who are called lords spiritual, and thus be reduced to the necessity of seeing the Kirk unacknowledged by the State and bereft of its endowments, or of submitting to its arrangements being forced upon them according to the opinions of the English prelates who had a seat in the Parliament which was about to be called into existence as supreme over the whole Island.

To secure, therefore, the constitution of the Kirk, its establishment and endowments, and, in short, to place these beyond the reach of the English members who were supposed to be hostile to them, the Scottish Parliament passed the Act of Security, securing the Kirk of Scotland in her worship, doctrine, discipline, and government according to the Revolution settlement, which act was incorporated into the Treaty of Union, and declared in that Treaty to be a fundamental and essential condition of the Union, to continue for ever.

For what purpose, then, were these stipulations made? They were clearly restrictions upon the power of the British Parliament. Placing them beyond their reach as the *inalienable political rights* of the Kirk and people of Scotland, and which the British Parliament should have no power to subvert—

Mille adde catenas  
Effugiet tam hæc sceleratus vincula Proteus.

Evil men may in one sense be said to be stronger than good men—no moral restraint can bind them ; so the security of a treaty could not secure the Kirk from the hands of those who showed the low standing they held in creation by their freedom from the control of right.

Bolingbroke and his party came into power through the influence of a tiring-woman. To prepare the way for the return of the Stuarts to the throne, they passed an act anent patronages, with a lying preamble, and thus broke the treaty which had just been signed, and passed an act beyond their powers, and of the most unconstitutional kind.

If it be true, as I conceive it most undoubtedly is, that the British Parliament have not the constitutional power to deprive us of our endowments and our Kirk's constitution, then the British Parliament cannot insist upon what they know to be *ultra vires*.

I noticed by chance in the *Courier* newspaper an article upon this same question. It hints, at the end, of a new adjustment of the compact between the Church and the State. Does the *Courier* think we are mad? No : we will maintain our rights and the constitution of the Kirk as they were settled at the Union.—*Extract from a letter in the London Globe, Sept. 5th., 1840.*

## B

The Princeton Review, animadverting upon the hostile attitude which some leading organs of the Free Church have assumed towards the Establishment, as if no communion were to be held with it, and "the parish minister were to be regarded as the one excommunicated man of the district," thus remarks:—"This course, if right, will be found expedient ; if wrong, it must prove disastrous. We are constrained to think it wrong, because it proceeds on the false assumption that the present Established Church of Scotland is not a church of Jesus Christ. That this is a false assumption is to us plain, because according to the common standards of the Free and of the Established Church, and according to the common doctrine of Christendom, and the plain teaching of the scriptures, a church is a body of men professing the true religion. That the Established Church do profess the true religion is plain, because they have the very same Confession of Faith, and therefore make the very same profession that is made by their seceding brethren. If it be said that they differ as to the important doctrine of the lordship of Christ over his Church, the answer is, first, that both

parties hold to the same verbal statement of that doctrine, and differ only as to the application of it, or as to the principles which flow from it; and secondly, that admitting the Establishment to be in error as to that doctrine, such error cannot work a forfeiture of their church state, unless it cuts them off from Christ and the hope of salvation. This it cannot do, because, according to the scriptures, all who repent of their sins and put their trust in Christ are in a state of union with him, and of course in a state of grace and salvation. Besides, the doctrine that a church is not to be regarded as a true church of Christ unless perfectly pure as to its doctrines, is inconsistent with our common standards; it is inconsistent with the Bible, and with common sense, and the common judgment of the people of God in all places and in all ages. There is also a glaring inconsistency, in making the practical recognition of the spiritual independence of the church necessary to its very existence, with the past and present conduct of these brethren themselves. It may even be doubted whether, according to their principles, the Church of Scotland itself, before the passage of the Veto Act, had not practically for many generations (?) renounced this very doctrine of spiritual independence; for it had not only submitted to the domination of the state, but had lent its aid in crushing the rights of the people, and the independence of the church courts, which it now so nobly vindicates."—Those who are at a distance can form a much more dispassionate judgment of both parties, than these parties can do of each other; and it is gratifying to find so distinct a testimony in favor of the Church of Scotland, as still a church of Christ, notwithstanding her defections, from writers who have advanced much farther in their notions of ecclesiastical freedom than the most innovating of the Free Churchmen of Scotland are yet prepared to go.

### C

The author of these BRIEF NOTES, in the days of his inexperience, belonged to this class. In a letter addressed to a distinguished Minister of the Church of Scotland, in 1831, immediately after the formation of the Synod, he expressed himself thus :—"It will greatly promote the interests of our Church in Canada, were the General Assembly distinctly to recognize our Synod, as in connexion with the church, and appoint some means by which the connexion may not be merely nominal, but real. As you will learn from our minutes and the accompanying memorial, the determination of the nature of our relation is left entirely to the General

Assembly. But may I suggest one thing as desirable, that the General Assembly should receive a representation from our Church every alternate year, and that a Commissioner from the General Assembly should visit the Synod of Canada every second or fourth year. In this way our connexion with the Parent Church would be more certainly preserved, and our influence with the Imperial Government through the Assembly would be greater. It is desirable that the legislators of our church should speedily come to some decision on the question; whether the General Assembly can extend its jurisdiction beyond Scotland into territories acquired since the Union? The Church of England found no difficulty in uniting Canada to the Diocese of Canterbury: but the establishment of the North seems more timid. If, however, they are in doubt about the matter, and think Presbyterianism a system worth contending for, the timid might petition for a parliamentary sanction to receive their own colonial churches under their jurisdiction; for it is neither Christian nor politic that our Mother Church should shut herself up within her own little fortress, and refuse to extend protection to, and to form alliance with, those who naturally belong to her." Before this letter could have reached Scotland, one was received from the eminent minister to whom it was addressed, containing the following sentiments:—"I hope that ere now you have met together and formed yourselves into a Synod on the principles of the Church of Scotland, and that the Committee of the General Assembly in reporting to the next Assembly may have it in their power to recommend the Synod or Church in Canada to the protection of the Church of Scotland. You should rigidly adhere to the constitution and government of the parent church, that you may without hesitation be recognized, if not as a branch OF, at least as a branch FROM, our truly scriptural establishment. The right of sending representatives cannot be granted, and if conceded, would do more harm than good. It seems to be very generally admitted that the Presbytery of India is a gross anomaly, and that it would be much better to withhold the right of representation to the Assembly. You will govern yourselves ecclesiastically far better than we can do." In another letter, dated 26th May, 1832, at the time when the Declaratory Enactment was prepared by the Assembly to be sent down to Presbyteries, he says respecting it:—"It is not proposed that you should have the right of sending representatives. The Principal (Macfarlan), and, I believe, all the leading men of the church, are convinced that in allowing a representation to the churches in India, the Assembly ex-

ceeded its powers and committed a great error. Attaching the greatest importance to residence, I should think the right of representation an evil rather than a good ; or if possessed and not used, a mere show thing, that you would be better without. Besides the right of representation could scarcely exist, or rather could not at all exist, without the right of superintendence and government on our part ; and it would not be easy to exercise such superintendence over courts on the other side of the Atlantic. See, for example, how the Presbytery of Edinburgh are bothered with the Presbytery of Calcutta, and how difficult they have found it to attend to complaints from that quarter, and to redress the evils complained of." Again, in July, 1833 :—"I shall look with expectation for the promised account of your Synod's proceedings in August. If I mistake not the institution of that Court, and your Presbyteries under it, have done good to the Presbyterian (Church of Scotland) cause in Canada. In the eye of the government you are an organized and united body. They appear to acknowledge you as such, and you owe it more to your own exertions than to those of your friends in Britain, that there is now an approximation to a more equal distribution of the good things between you and the Church of England in Canada."—*Letters from the Rev. Dr. Patrick Macfarlane, of Greenock.*

## D

The following extracts from the Memorial addressed by the Synod to the General Assembly on its formation, may serve to illustrate the nature of the Synod's relation to the Assembly. No reply, as we recollect, was ever received to this Memorial, and, generally speaking, all the communications of the Synod were treated by the Assembly in the same way.

\*\*\* Your Memorialists in thus addressing you, primarily design to inform you of the formation of an Ecclesiastical Union among themselves ; and in terms of the resolution by which they were constituted into a Synod, to submit to you the determination of the precise relation which the Synod shall have to your Venerable Body ; and withal to crave the counsel of your matured experience, and the aid and encouragement which you may be able to extend towards them.

Your Memorialists holding firmly to the authorized standards of the Church of Scotland, have considered their Eccle-

siastical Union as the natural result of the common views on Church policy, which they entertain, and the common spiritual office with which they have been invested, in connection with the circumstance of their living in the same Provinces; and they have accordingly united themselves into a Synod, branched out into four distinct Presbyteries: and a union flowing out of a higher principle than mere expediency, will, they confidently hope, through the Divine blessing, remedy evils under which their Churches have hitherto laboured, and conduce to the planting of new Churches. \* \* \* \*

Those and other obvious considerations appeared to your Memorialists to justify their forming themselves into a Synod—And your Memorialists humbly hope that this step shall obtain the sanction of your Venerable Body: and your Memorialists respectfully await your decision as to the particular nature of that connexion which shall subsist between this Synod and your Venerable Assembly—confident, that their Churches will not be left by you in a less favoured situation to the Established Church of Scotland, than that in which the Episcopal Church in these and other foreign parts stands to the Established Church of England. \* \*

## E

### DECLARATORY ENACTMENT.

*Passed by the General Assembly of the Church of Scotland, May, 1833.*

That it is *proper and expedient* for Ordained Ministers of the Church of Scotland connected with fixed Congregations in any of the British Colonies, to form themselves, where circumstances permit, into Presbyteries and Synods, *adhering to the Standards of this Church, and maintaining her form of Worship and Government.*

That no Minister should be received as a Member of any such Presbytery or Synod, when first formed, who has not been ordained by a Presbytery of this Church; that no Minister of this Church should be afterwards received as a Member, who does not come specially recommended from the Presbytery by whom he was ordained, or where he has last resided; and that no Probationer of this Church should receive ordination from any such Presbytery, except on his producing extract of Licence, with a testimonial of his good character, from the Presbytery or Presbyteries within whose

bounds he has resided, down to the time of his leaving Scotland.

*That it is not expedient* for such Presbyteries, in the present state of education in the colonies, to exercise the power of Licensing Probationers; but that Licentiates of the Church of Scotland, who shall be ordained by any such Presbytery to a particular charge in the manner above described, shall remain in full communion with the Church of Scotland, and retain all the rights and privileges which belong to Licentiates or the Ministers of this Church; and that Members of Congregations under the charge of Ministers so ordained shall, on coming to Scotland, be admitted to Church privileges, on the production of satisfactory certificates of their moral character from the Minister and Session of the Congregation to which they have belonged.

*That it is earnestly recommended* to all Ministers and Probationers of this Church, who remove to those Colonies within which such Presbyteries are constituted, to put themselves under the inspection of the Presbytery of the bounds within which they may reside; and in the event of their returning to this country, to produce Testimonials from such Presbytery or Presbyteries of their character and conduct during their absence.

*That a standing Committee* shall be named by the General Assembly, to correspond with such Churches in the Colonies, for the purpose of giving advice on any question with regard to which they may choose to consult the Church of Scotland, and affording them such aid as it may be in the power of the Committee to give in all matters affecting their rights and interests.









